



A New Method to Deal With Would-Be Terrorists

By John Mueller

April 9, 2015

Since the shock of 9/11, the FBI and other policing agencies have shifted how they deal with terrorism. Instead of seeking to bring terrorists to justice after they have committed, or tried to commit, violence, the police now seek to catch them before they can do so.

This has led to the development of a technique where, instead of simply surveilling a potential terrorist plot, they infiltrate police operatives into the plot itself, essentially creating or facilitating the plots in a major way.

Since 9/11, a [few dozen plots](#) have come to light in which Islamist extremist terrorists have sought, or appear to have sought, to do damage in the United States. More than half of these have been disrupted by this technique, and the use of the technique is on the rise. Since 2010, some 19 plots have been disrupted, and 14 of these have used undercover operatives—as seen most recently with the arrest last week of two female would-be terrorists who were seeking to fabricate bombs in Queens, New York. In most of these plots, police operatives have outnumbered actual would-be terrorists.

The question is whether the (mostly knuckle-headed) would-be terrorists in these cases would have been able to get their act together enough to do much of anything. Indeed, at times it seems to be an exercise in dueling delusions: A Muslim hothead has delusions about changing the world by blowing something up, and the authorities have delusions that he might actually be able to overcome his patent inadequacies to do so.

This is a question that was vividly raised by the judge in a case in Newburgh, New York, that has inspired an excellent documentary film, *The Newburg Sting* (which will be the subject of [an event](#) at the Cato Institute on Monday, April 13). While acknowledging that the men were “prepared to do real violence,” she also noted that they were “utterly inept” and on a “fantasy terror operation” and that “only the government could have made a ‘terrorist’” out of the plot’s leader, “whose buffoonery is positively Shakespearean in its scope.” The judge also said, “I believe beyond a shadow of a doubt that there would have been no crime here except the government instigated it, planned it and brought it to fruition.”

The experience with another case can be taken to suggest that there could be an alternative, and far less costly, approach to dealing with would-be terrorists, one that might generally (but not always) be effective at stopping them without actually having to jail them.

It involves a hothead in Virginia who ranted about jihad on Facebook, bragging about how “we dropped the twin towers.” He then told a correspondent in New Orleans that he was going to bomb the Washington, D.C. Metro the next day. Not wanting to take any chances and not having the time to insinuate an informant, the FBI arrested him. Not surprisingly, they found no bomb materials in his possession. Since irresponsible bloviating is not illegal (if it were, Washington would quickly become severely underpopulated), the police could only charge him with a minor crime – making an interstate threat. He received only a good scare, a penalty of time served and two years of supervised release.

That approach seems to have worked: the guy seems never to have been heard from again. It resembles the Secret Service’s response when they get a tip that someone has ranted about killing the president. They do not insinuate an encouraging informant into the ranter’s company to eventually offer crucial, if bogus, facilitating assistance to the assassination plot. Instead, they pay the person a Meaningful Visit and find that this works rather well as a dissuasion device. Also, in the event of a presidential trip to the ranter’s vicinity, the ranter is visited again. It seems entirely possible that this approach could productively be applied more widely in terrorism cases. Ranting about killing the president may be about as predictive of violent action as ranting about the virtues of terrorism to deal with a political grievance. The terrorism cases are populated by many such ranters—indeed, tips about their railing have frequently led to FBI involvement. It seems likely, as apparently happened in the Metro case, that the ranter could often be productively deflected by an open visit from the police indicating that they are on to him. By contrast, sending in a paid operative to worm his way into the ranter’s confidence may have the opposite result, encouraging, even gulling, him toward violence.

Terrorism specialist John Horgan has studied people once disposed to committing terrorism who later walked away from it. He [points out](#) that this happens all the time, and that it does not require them necessarily to change their fundamental views. They may well remain deeply religious and/or deeply outraged at what they see as an attack on their religion or on their co-religionists in the Middle East. But neither emotion, Horgan observes, is “an operationally useful predictor of terrorist behavior.” A sobering visit by the police may not change beliefs, but in many instances it might productively deflate enthusiasm for using terrorism to express them.

*John Mueller is a Senior Fellow at the Cato Institute and a political scientist at Ohio State University. His most recent book, co-authored by Mark Stewart, is *Terror, Security, and Money*. This article draws on their forthcoming book, *Chasing Ghosts: The Costly Quest to Counter Terrorists in the United States*, to be published by Oxford University Press in the autumn.*